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REMARKS

Applicants would like to thank the Examiner for the careful consideration given to this case and the courteous telephonic interview on July 12, 2006 with the Applicants' agent John Pillion. In complying with Applicants' responsibility to provide a complete written statement of the interview, 37 C.F.R. §1.133 (MPEP §713.04), Applicants note that claim 1 was discussed. The Johnson reference (U.S. Pat. No. 6,093,230), the Tsukamoto reference (U.S. Pat. No. 4,793,928), and the Zuk reference (U.S. Pat. No. 5,798,041) were also discussed.

During the interview, no agreement was reached regarding claim 1.

Applicants have provided the omitted underlining of the apostrophe in line 11 of claim 1 to address the issue raised by the Examiner in the Notice of Non-Compliant Amendment.

Claims 1-9 and 15-17 are pending, claims 10-14 and 18-27 have been canceled. New claims 28-31 were added with support found in the specification (pp. 13, line 28 to pp. 14, line 28). Claim 1 was amended, to recite a nonwoven depth filter material of polymeric fibers inside the housing (support on pp. 5, lines 10-15 of the specification). Claim 1 was amended to recite a depth filter material having a thickness to retain undesirably large particles of said slurry while permitting passage there through of particles of said slurry within a desired size range, the depth filter material having progressively smaller micron particle retention in the direction of fluid flow, the retention greatest adjacent the fluid outlet. Support for this amendment can be found in the specification (pp. 5, lines 12-16; pp. 7, line 27 to pp. 8 lines 6; and pp. 9 line 15- pp. 10, line 10). Support for the amendment language in claim 1 "as to prevent separation of solid particles from the slurry composition and provide substantially uniform distribution of slurry over atop surface of the depth filter material" which refers to prevention of agglomeration or settling out of slurry particles in the filter housing, can be found in the specification (pp. 14, lines 20-25; pp. 2, lines 7-10; pp. 3, lines 10-13). Support for claims 28-31 is taken from pp. 13, lines 28 to pp. 14, line 3. No new matter has been added.

Zuk discloses an in-line filtration device used for the filtering blood to remove leukocytes, other blood components and chemical agents which may be used to treat the blood

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(col. 1, lines 55-60). Zuk's device does not have an open void volume of not greater than 1 inch in height as to prevent separation of solid particles from the slurry composition and provide substantially uniform distribution of slurry over atop surface of the depth filter material. Zuk's device provides for a flow of blood radially inward (col. 9, lines 50-55). Modification of Zuk to distribute the blood substantially uniformly atop the depth filter material would render it unsatisfactory for purging air bubbles from the filter because it would eliminate the radially inward blood flow (col. 9, lines 50-55). Hence there is no motivation to make the proposed modification.

Further, Zuk's device does not have a structure or filter material that retains some leukocytes and allows leukocytes in a desired size range to pass through the filter. In contrast, the claimed structure of the instant invention includes a depth filter material that has a thickness to retain undesirably large particles from the slurry while permitting passage through the material of particles of slurry within a desired size range, the depth filter material has progressively smaller micron particle retention in the direction of fluid flow. Zuk does not include all the elements of the instant claimed invention. One skilled in the art seeking to optimize the filter assembly of Zuk would seek to improve the removal of all leukocytes rather than permitting passage of leukocytes in a desired size range. Modification of Zuk as suggested would render it unsatisfactory for its intended use and hence there is no motivation to make the proposed modification. Accordingly, claim 1-9 and 15-17 are not anticipated or obvious in view of Zuk and withdrawal of the Examiner's rejection is respectfully requested.

Johnson discloses a filter assembly that is used to stop or minimize contamination of common vacuum systems available in hospitals and used with a suction canister. The filter assembly disclosed by Johnson provides an impediment to the passage of aerosols, particles, and or vapor laden air into the vacuum system. Johnson discloses col. 4, lines 60-64, an assembly that removes 99.7 percent of aerosolized microorganisms. Applicants' claimed cartridge includes a depth filter material that has a thickness to retain undesirably large particles from the slurry while permitting passage through the material of particles of slurry within a desired size range, the depth filter material has progressively smaller micron particle retention in the direction of fluid flow. Johnson does not disclose a filter cartridge whose structure removes some aerosol, particles and or vapor laden air while permitting other aerosol, particles and or vapor laden air in

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a desired size range to pass. Johnson does not include all the elements of the instant claimed invention. One skilled in the art seeking to optimize the filter assembly of Johnson would provide a structure to improve the removal of aerosol and particles and keep them from the vacuum system rather than providing a structure that only removed particles outside of a size desired particle range and allow other smaller ones to pass. Modification of Johnson as suggested would render it unsatisfactory for its intended use and hence there is no motivation to make the proposed modification. Accordingly claims 1-9 and 15 are not anticipated or obvious in view of Johnson and withdrawal of the Examiner's rejection is respectfully requested.

Tsukamoto discloses metal filter elements (col. 3, lines 18-32) to remove foreign matter from molten polymers to prevent clogging of various dies. Tsukamoto does not disclose a filter structure that removes some foreign matter and allows other foreign matter in a desired size range to pass. Applicants claim a depth filter material of a non-woven polymeric fibers that has a thickness to retain undesirably large particles from the slurry while permitting passage through the material of particles of slurry within a desired size range; the depth filter material has progressively smaller micron particle retention in the direction of fluid flow. Tsukamoto does not disclose either of these features or their combination. Tsukamoto does not include all the elements of the instant claimed invention. One skilled in the art seeking to optimize the filter assembly of Tsukamoto would improve the removal of foreign matter from molten polymers rather than providing a filter material and structure that permitted passage of foreign matter in the polymer that was in a size desired particle range. Modification of Tsukamoto as suggested would render it unsatisfactory for its intended use and hence there is no motivation to make the proposed modification. Accordingly, claim 1-2 and 6-8 are not anticipated or obvious in view of Tsukamoto and withdrawal of the Examiner's rejection is respectfully requested.

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In view of the amendment presented above which provides the omitted underlining of the apostrophe in line 11 of claim 1, Applicants respectfully submit that the claims are in condition for prosecution on the merits and that the issue raised by the Examiner in the Notice of Non-Compliant Amendment has been addressed. It is respectfully submitted that all of the claims are in condition for allowance and notice to such effect is respectfully requested. Although Applicants believes no fees are due, the Commissioner is hereby authorized to charge deposit account No. 501-908 for any fees that may be due in connection with this response. Should the Examiner have any questions regarding these remarks and amendments, the Examiner is invited to initiate a telephone conference or a personal interview with the undersigned.

Respectfully Submitted,


John E. Pillion
Registration No. 52,122

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